

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
Attorney Docket No. 12770US01**

In the Application of:	)	
	)	
Doyle et al.	)	
	)	
Serial No.: 09/273,673	)	Examiner: Clement Graham
	)	
Filed: March 22, 1999	)	Group Art Unit: 3628
	)	
For: Computer Apparatus and Method	)	Confirmation No.: 7424
for Trading and Clearing Futures	)	
Contracts to Accommodate a	)	
Variable Sensitivity Related to	)	
the General Level of Interest	)	
Rates	)	
	)	
	)	

**CERTIFICATION OF ELECTRONIC TRANSMISSION**

*I hereby certify that this correspondence is being electronically filed with the Patent and Trademark Office on May 9, 2008.*

*Christopher N. George (Reg. No. 51,728)*

/Christopher N. George/  
*Signature*

**BRIEF ON APPEAL**

MAIL STOP: APPEAL BRIEF-PATENTS  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is an appeal from a Final Office Action mailed August 23, 2007, in which claims 21-40 were finally rejected. This Appeal Brief is being re-submitted in response to a Notification of Non-Compliant Appeal Brief mailed May 1, 2008, which states that the

brief did not include a listing of the claims that had been canceled from the original application. The Notice states that only the affected section, the Status of the Claims, need be resubmitted.

The original Appeal Brief was submitted on April 25, 2008, within two months of the date of the Notice of Appeal filed on February 25, 2008. The Applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the final rejection of claims 21-40 of the present application.

### **STATUS OF THE CLAIMS**

Claims 21-40 are pending in the present application. Claims 1-20 have been canceled. Pending claims 21-40 have been rejected and are the subject of this appeal. Specifically, claims 21-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner, U.S. Patent No. 4,903,201 (“Wagner”) in view of Shepherd, U.S. Patent No. 5,970,479 (“Shepherd”). The text of the pending claims is provided in the Claims Appendix. The Applicant is appealing the rejection of each of claims 21-40.

## **CONCLUSION**

The Applicant submits that the above status description should be sufficient to provide a summary of the claimed subject matter and to illustrate how the figures and description relate as exemplary embodiments of the claims. The Applicant submits that the Appeal and its Brief should be ready for consideration by the Board.

The Applicant submits that the claims of the present application define allowable subject matter. If the Examiner has any questions or if the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

Date: May 9, 2008

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